

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

William Antonio McClendon,

Civil No. 13-2368 (PJS/HB)

Petitioner,

v.

State of Minnesota,

**ORDER ON REPORT
AND RECOMMENDATION**

Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to the Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. The Report and Recommendation (ECF No. 21) is **ADOPTED**;
2. William Antonio McClendon's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (ECF No. 1) is **DENIED**;
3. This action is **DISMISSED WITH PREJUDICE**; and
4. A certificate of appealability will **NOT BE GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 9/22/14

s/Patrick J. Schiltz

PATRICK J. SCHILTZ

United States District Judge